

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

Translation

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Date of mailing (day/month/year) **See form PCT/ISA/210**

Applicant's or agent's file reference
NEG-334PCT

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/JP2004/001176

International filing date (day/month/year)
05-02-2004

Priority date (day/month/year)
07-02-2003

International Patent Classification (IPC) or both national classification and IPC
H04N 7/16

Applicant
NEC CORPORATION

1. This opinion contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the opinion |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input checked="" type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/JP	Date of completion of this opinion	Authorized officer
Facsimile No.		Telephone No.

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Box No. I

Basis of the report

1. With regard to the language, this opinion has been established on the basis of:
 - ☐ the international application in the language in which it was filed
 - ☐ the translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rule 12.3(a) and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material
 - ☐ on paper
 - ☐ in electronic form
 - c. time of filing/furnishing
 - ☐ contained in the international application as filed
 - ☐ filed together with the international application in electronic form
 - ☐ furnished subsequently to this Authority for the purposes of search
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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Box No. IV

Lack of unity of invention

1. ☒ In response to the invitation (Form PCT/ISA/206) to pay additional fees the applicant has, within the applicable time limit:
- ☐ paid additional fees
 - ☐ paid additional fees under protest and, where applicable, the protest fee
 - ☐ paid additional fees under protest but the applicable protest fee was not paid
 - ☒ not paid additional fees
2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is:
- ☐ complied with
 - ☒ not complied with for the following reasons:

The inventions that are set forth in claims 1 to 110 share the common technical feature of distributing over a plurality of sessions (at least one of which is a multicast or broadcast).

However, the abovementioned common technical feature is disclosed in document 1 (JP 2002-353964 A (Sony Corporation), 06 December 2002, entire text, all drawings), document 2 (JP 11-177628 A (Mitsubishi Electric Corporation), 02 July 1999, entire text, all drawings) and document 3 (JP 2002-94560 A (Sony Corporation), 29 March 2002, entire text, all drawings); therefore, the technical feature in question cannot be considered to be a special technical feature in the meaning of the second sentence of PCT Rule 13.2.

[Refer to the Supplemental Box]

4. Consequently, this opinion has been established in respect of the following parts of the international application:

☐ all parts

☒ the parts relating to claims Nos. 1, 4, 9, 12, 14, 17, 22, 24, 27, 32, 34, 37, 42, 44, 51, 58, 61, 66, 72, 74-76, 80-83, 87-90, 94-104

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Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)

Claims 1, 4, 9, 12, 14, 17, 22, 24, 27, 32, 34, 37, 42, 44, 51, 58, 61, 66, 72, 74-76, 80-83, 87-90, 94-104 YES

Claims NO

Inventive step (IS)

Claims YES

Claims 1, 4, 9, 12, 14, 17, 22, 24, 27, 32, 34, 37, 42, 44, 51, 58, 61, 66, 72, 74-76, 80-83, 87-90, 94-104 NO

Industrial applicability (IA)

Claims 1, 4, 9, 12, 14, 17, 22, 24, 27, 32, 34, 37, 42, 44, 51, 58, 61, 66, 72, 74-76, 80-83, 87-90, 94-104 YES

Claims NO

2. Citations and explanations:

Document 1: JP 2002-353964 A (Sony Corp.), 06 December 2002, entire text, all drawings

Document 2: JP 11-177628 A (Mitsubishi Electric Corp.), 02 July 1999, entire text, all drawings

Document 3: JP 2002-94560 A (Sony Corp.), 29 March 2002, entire text, all drawings

Document 4: JP 9-23214 A (Hitachi, Ltd.), 21 January 1997, entire text, all drawings

Claims 1, 4, 9, 14, 17, 22, 24, 27, 32, 34, 37, 58, 61, 66, 72, 74 to 75, 80 to 82, 87 to 89 and 94 to 96

Document 1 cited in the international search report discloses a feature wherein sets of encrypted image data with different transmission bands, which comprise the same image, are distributed over different sessions (at least one of which is a multicast or a broadcast) on the basis of said bands (specifically, refer to paragraphs [0025] to [0034]); therefore, claims 1, 4, 9, 14, 17, 22, 24, 27, 32, 34, 37, 58, 61, 66, 72, 74 to 75, 80 to 82, 87 to 89 and 94 to 96 do not involve an inventive step in the light of document 1.

In addition, documents 2 and 3 cited in the

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Box No. V

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citations and explanations supporting such statement

international search report also disclose similar features; therefore, claims 1, 4, 9, 14, 17, 22, 24, 27, 32, 34, 37, 58, 61, 66, 72, 74 to 75, 80 to 82, 87 to 89 and 94 to 96 likewise do not involve an inventive step in the light of documents 2 and 3.

Claims 12, 42, 44, 51, 76, 83, 90 and 97 to 104

Document 4 cited in the international search report discloses the feature of selecting a set of encrypted image data from among the sets of encrypted image data which the reception side was able to receive successfully on the basis of the image quality and the compression ratio, and thereafter decrypting said set of encrypted image data (specifically, refer to paragraphs [0023] to [0038]); therefore, claims 12, 42, 44, 51, 76, 83, 90 and 97 to 104 do not involve an inventive step in the light of documents 1 and 4.

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: Box IV

In addition, document 1 discloses the technical feature of selecting a session on the basis of the band that is necessary for content distribution, and documents 1 and 2 also disclose the technical feature of selecting a session according to the compression ratio. As a result, claims 1 to 110 can be considered to set forth seven independent technical features which are special technical features in the meaning of the second sentence of PCT Rule 13.2, as follows.

Claims 1, 4, 9, 12, 14, 17, 22, 24, 27, 32, 34, 37, 42, 44, 51, 58, 61, 66, 72, 74 to 76, 80 to 83, 87 to 90 and 94 to 104 pertain to the technical feature of selecting a session according to the compression ratio.

Claims 2, 10, 11, 15, 25, 35, 59, 67, 68, 70, 73, 78, 85 and 92 pertain to the technical feature of selecting a session so as to accommodate the receiving party.

Claims 3, 13, 16, 23, 26, 33, 36, 43, 50, 57, 60, 71, 79, 86 and 93 pertain to the technical feature of setting information related to encoding for each session that has been selected according to the compression ratio.

Claims 5 to 7, 18 to 20, 28 to 30, 38 to 40, 45 to 49, 52 to 56, 62 to 64, 105 and 106 pertain to the technical feature of selecting a session according to the type of image frame and/or image block.

Claims 8, 21, 31, 41 and 65 pertain to the technical feature of controlling the reception quality on the receiving party side by changing the information related to encoding so as to accommodate the receiving party.

Claims 69, 77, 84 and 91 pertain to the technical feature of distributing encrypted image data over a

Supplemental Box

plurality of sessions.

Claims 107 to 110 pertain to the technical feature of controlling the encrypted image data to be transmitted so as to accommodate the device for receiving the image data at the distribution destination.

Consequently, the inventions that are set forth in claims 1 to 110 do not conform to the requirement of unity of invention, and can therefore be considered to constitute a total of seven inventions.